

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. BRANDON GUSTAV MCGUIRE, Defendant.	4:18-CR-40042-LLP REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on Thursday, August 23, 2018. The defendant, Brandon Gustav McGuire, appeared in person and by his counsel, Rachel Rasmussen. The United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States Magistrate Judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

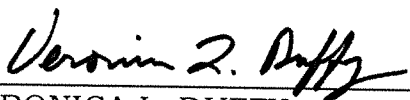
Defendant has reached a plea agreement wherein he intends to plead guilty to count 1 of the indictment which charges him with conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. At the hearing, the defendant was advised of the nature of the charges to which

the defendant would plead guilty and the maximum penalties applicable, specifically: mandatory minimum 10 years' imprisonment and up to life imprisonment; a \$10 million fine; or both; minimum 5 years' supervised release and up to life on supervised release; an additional 5 years' imprisonment if supervised release is revoked; and a \$100 special assessment.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to count 1 of the indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is my report and recommendation that the defendant's plea of guilty to count 1 of the indictment be accepted and that he be adjudged guilty of that offense.

DATED this 23rd day of August, 2018.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge